

#### United States Patent and Trademark Office

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## NOTICE OF ALLOWANCE AND FEE(S) DUE

28164

7590

04/28/2003

**BRINKS HOFER GILSON & LIONE** P O BOX 10395 CHICAGO, IL 60610

EXAMINER MASINICK, MICHAEL D ART UNIT CLASS-SUBCLASS

2125

700-100000

DATE MAILED: 04/28/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,633	04/03/2001	Michael Wetzer	10022-28	3835

TITLE OF INVENTION: PERFORMING PREDICTIVE MAINTENANCE ON EQUIPMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$0	\$0	\$0	07/28/2003

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN <u>THREE MONTHS</u> FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

#### HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, patents in the maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees and the maintenance fees.

0 2 2003

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Box ISSUE FEE

Commissioner for Patents Washington, D.C. 20231 (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

Note: A certificate of mailing can only be used for domestic mailings of the

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04/28/2003

**BRINKS HOFER GILSON & LIONE** P O BOX 10395 CHICAGO, IL 60610

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

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(Depositor's name)	
(Signature)	
(Date)	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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nonprovisional	NO	\$0	\$0	\$0	07/28/2003
ЕХАМІ	NER	ART UNIT	CLASS-SUBCLASS		
MASINICK, M	MICHAEL D	2125	700-100000		
CFR 1.363).	nce address or indication of ence address (or Change of 22) attached.	`	2. For printing on the patent from the names of up to 3 registered or agents OR, alternatively, (2) single firm (having as a mem attorney or agent) and the nar	patent attorneys the name of a ber a registered	
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.			registered patent attorneys or ag is listed, no name will be printed.	ents. If no name	

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

(A) NAME OF ASSIGNED	(B) RESIDENCE: (CTI Y	and STATE OR	COUNTRY)	
Please check the appropriate assignee category or ca	tegories (will not be printed on the patent)	individual	Corporation or other private group entity	government
4a. The following fee(s) are enclosed:	4b. Payment of Fee(s):			
☐ Issue Fee	A check in the amount	of the fee(s) is er	actosed.	•
☐ Publication Fee	Payment by credit card.	Form PTO-2038	3 is attached.	
☐ Advance Order - # of Copies	☐ The Commissioner is h Deposit Account Number	ereby authorized	by charge the required fee(s), or credit any o (enclose an extra copy of this form).	verpayment, to
Commissioner for Patents is requested to apply the Is	ssue Fee and Publication Fee (if any) or to re-	apply any previo	usly paid issue fee to the application identific	ed above
	` *	, ,,	,,	
(Authorized Signature)	(Date)			
NOTE: The Issue Fee and Publication Fee (if re- other than the applicant; a registered attorney or	quired) will not be accepted from anyone			
interest as shown by the records of the United State	es Patent and Trademark Office.			
This collection of information is required by 37 (	CFR 1.311. The information is required to			
obtain or retain a benefit by the public which is application. Confidentiality is governed by 35 U.S.	[ 122 and 37 CFR 1 14 This collection is 1			
estimated to take 12 minutes to complete, including completed application form to the USPTO. Time	ig gathering, preparing, and submitting the			
case. Any comments on the amount of time ve	ou require to complete this form and/or L			
suggestions for reducing this burden, should be so Patent and Trademark Office, U.S. Department of	Commerce, Washington, D.C. 20231, DO. L.			
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,633	04/03/2001	Michael Wetzer	10022-28	3835
28164	7590 04/28/2003	(	EXAMIN	ER
BRINKS HOP P O BOX 10395	ER GILSON & LIONE		MASINICK, MI	ICHAEL D
CHICAGO, IL		(	ART UNIT	PAPER NUMBER
			2125 DATE MAILED: 04/28/2003	17

# Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The patent term adjustment to date is 508 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 508 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (http://pair.uspto.gov)

Any questions regarding the patent term extension or adjustment determination should be directed to the Office of Patent Legal Administration at (703)305-1383.



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APPLIC	ATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/	825,633	(	04/03/2001	Michael Wetzer	10022-28	3835
28	64	7590	04/28/2003		EXAMIN	ER
BRIN	KS HOFE	R GILS	ON & LIONE	_	MASINICK, M	ICHAEL D
	OX 10395 AGO, IL 60	610		Γ	ART UNIT	PAPER NUMBER
	ED STATE				2125	17
				D	ATE MAILED: 04/28/2003	, ,

## Notice of Fee Increase on January 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after January 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on January 1, 2003. See Revision of Patent and Trademark Fees for Fiscal Year 2003; Final Rule, 67 Fed. Reg. 70847, 70849 (November 27, 2002).

The current fee schedule is accessible from: http://www.uspto.gov/main/howtofees.htm.

If the issue fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due," but not the correct amount in view of the fee increase, a "Notice to Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice to Pay Balance of Issue Fee," if the response to the Notice of Allowance and Fee(s) due form is to be filed on or after January 1, 2003 (or mailed with a certificate of mailing on or after January 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

	Application No.	Applicant(s)	
	09/825,633	METZED MICHAEL	
Notice of Allowability	Examiner	WETZER, MICHAEL Art Unit	
	Michael B.M. Market	0.405	
	Michael D Masinick	2125	
The MAILING DATE of this communication apperature and series allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED or other appropriate comm IGHTS. This application is	in this application. If not include nunication will be mailed in due	ed course, THIS
1. This communication is responsive to April 8, 2003.			
2. The allowed claim(s) is/are 1-31.			
3. The drawings filed on 22 June 2001 are accepted by the E	Examiner.		
4. ☐ Acknowledgment is made of a claim for foreign priority und a) ☐ All b) ☐ Some* c) ☐ None of the:	der 35 U.S.C. § 119(a)-(d) (	or (f).	
1. Certified copies of the priority documents have			
<ol><li>Certified copies of the priority documents have</li></ol>	e been received in Applicati	ion No	•
<ol><li>Copies of the certified copies of the priority do</li></ol>	cuments have been receive	ed in this national stage applicat	ion from the
International Bureau (PCT Rule 17.2(a)).			
Certified copies not received:			
5. Acknowledgment is made of a claim for domestic priority u			
(a) The translation of the foreign language provisional a			
6. Acknowledgment is made of a claim for domestic priority u	nder 35 U.S.C. §§ 120 and	/or 121.	
Applicant has THREE MONTHS FROM THE "MAILING DATE" of below. Failure to timely comply will result in ABANDONMENT of	f this communication to file this application. THIS THI	a reply complying with the requi	rements noted EXTENDABLE.
7. A SUBSTITUTE OATH OR DECLARATION must be submiNFORMAL PATENT APPLICATION (PTO-152) which gives reas			OTICE OF
8. CORRECTED DRAWINGS must be submitted.			
(a) including changes required by the Notice of Draftsper	son's Patent Drawing Revi	ew ( PTO-948) attached	
1) hereto or 2) to Paper No			
(b) including changes required by the proposed drawing	correction filed, whi	ich has been approved by the E	xaminer.
(c) including changes required by the attached Examiner	's Amendment / Comment	or in the Office action of Paper I	No
Identifying indicia such as the application number (see 37 CFR 1 of each sheet. The drawings should be filed as a separate paper			
9. DEPOSIT OF and/or INFORMATION about the depo attached Examiner's comment regarding REQUIREMENT FOR T	sit of BIOLOGICAL MAT HE DEPOSIT OF BIOLOG	FERIAL must be submitted. N	lote the
Attachment(s)			
1⊠ Notice of References Cited (PTO-892)	2 Notice	of Informal Patent Application (F	PTO-152)
3 Notice of Draftperson's Patent Drawing Review (PTO-948)		w Summary (PTO-413), Paper I	No
5 Information Disclosure Statements (PTO-1449), Paper No. 4		ner's Amendment/Comment	<b>M</b>
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U.S. Patent and Trademark Office			

PTO-37 (Rev. 04-01)

**Notice of Allowability** 

Part of Paper No. 8

Application/Control Number: 09/825,633 Page 2

Art Unit: 2125

#### **DETAILED ACTION**

## Allowable Subject Matter

1. Claims 1-31 are allowed.

- 2. The following is an examiner's statement of reasons for allowance: Claims 1, 10, and 16 teach a system where component data, worker data, and predictive maintenance factors are used together to create a schedule for maintenance of equipment based on the factors.
- 1. U.S. Patent No. 6,192,325 to Piety et al shows a predictive maintenance database where information about the equipment and components thereof is stored in order to alert users when maintenance is due. However, neither this reference taken alone or in combination with the prior art of record disclose a system of scheduling the actual maintenance of equipment based on, among other things, worker qualifications.
- 3. U.S. Patent No. 5,737,728 to Sisley et al shows a system for resource assignment and scheduling based on the availability of qualified personnel. A database is kept of personnel location, qualifications, and time commitments. However, neither this reference taken alone or in combination with the prior art of record disclose scheduling the actual maintenance of equipment based on, among other things, component data of the systems for maintenance.
- 4. U.S. Patents 5,331,579 to Maguire et al and 5,920,846 when combined show a system for resource management similar to that of Sisley et al.
- 5. It is the examiners opinion that these references together, even when combined, would still not produce the system of the immediate invention as claimed which takes into account componant data, worker data, predictive maintenance data, and an elapsed time variable.

Application/Control Number: 09/825,633

Art Unit: 2125

6. It is this combination of worker data, component data, and predictive maintenance factors to produce a schedule for predictive maintenance, in combination with the remaining elements and features of the invention, that the applicant's invention defines over the prior art of record.

Page 3

7. Claims 2-9,11-15, and 17-31 are allowed as being dependant upon allowed claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and to the state of the art at the time of invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D Masinick whose telephone number is (703) 305-7738. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Application/Control Number: 09/825,633

Art Unit: 2125

mdm

April 21, 2003

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LEO PICARD SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100 Page 4

OT 2 8 2002

FORM PTO-4449	SERIAL NO.	CASE NO.
C. T. Mary	09/825,633	10022/28
LIST OF PATENTS AND PUBLICATIONS FOR	FILING DATE	GROUP ART UNIT
APPLICANT'S INFORMATION DISCLOSURE	. April 3, 2001	2121
STATEMENT		
(use several sheets if necessary)	APPLICANT(S): Michael Wetze	r

REFERENCE DESIGNATION **U.S. PATENT DOCUMENTS EXAMINER** DOCUMENT CLASS/ FILING INITIAL NUMBER DATE NAME **SUBCLASS** DATE Mn. D1 5,331,579 07/1994 Maguire, Jr. et al. D2 5,877,961 03/1999 Moore D3 5,920,846 07/1999 Storch et al. D4 6,175,934 01/2001 Hershey et al.

EXAMINER		
INITIAL	<b>i</b>	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)
The	D5	International Search Report dated October 4, 2002, for corresponding international application PCT/US02/09303.

RECEIVED

Technology Center 2100

DATE CONSIDERED 49/1 21 2003

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Rev. Dec.-99 Document 11

FORM PTO-1449	SERIAL NO.		CASE NO.
		9/825,633	10022/28
LIST OF PATENTS AND PUBLICATIONS FOR	FILING DATE	-	GROUP ART UNIT
APPLICANT'S INFORMATION DISCLOSURE	· At	oril 3, 2001	2125
STATEMENT			
(use several sheets if necessary)	APPLICANT(S): Mic	hael Wetzer	et al. ···

REFERENCE DESIGNATION

**U.S. PATENT DOCUMENTS** 

	EXAMINER INITIAL		DOCUMENT NUMBER Number-Kind Code (if known)	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
ı	MA	E1	5,434,775	07/1995	Sims et al.		

EXAMINER OTHER ART – NON PATENT LITERATURE DOCUMENTS	
INITIAL	(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial,
	symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.
Mn	E2 Written Opinion dated March 5, 2003, for corresponding international application PCT/US02/09303.

EXAMINER 77	DATE CONSIDERED	April	21,	2003

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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FORM PTO-1449	SERIAL NO. CASE NO.
& TRAINENIA.	09/825,633 10022/28
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APPLICANT'S INFORMATION DISCLOSURE	April 3, 2001 2121
STATEMENT	
If (Uspecial sheets if necessary)	APPLICANT(S): Michael Wetzer

REFERENCE DESIGNATION **U.S. PATENT DOCUMENTS** DOCUMENT CLASS/ FILING INITIAL NUMBER DATE NAME **SUBCLASS** DATE UM 4,908,775 03/1990 Palusamy et al. 364/508 36.1/508 60/31.182 5,311,562 C2 05/1994 Palusamy et al. C3 6,230,480 05/2001 Rollins, III

EXAMINER		
INITIAL		OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)
Mus	C4	McQueen, G., "Aircraft Maintenance," Industrial Maintenance & Plant Operations, August 1996.
Tour	C5	MIL-HDBK-61, Military Handbook, "Configuration Management Guidance," September 1997.

DATE CONSIDERED Oct. 6, 2002

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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FORM PTO-1449	SERIAL NO.	CASE NO.
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LIST OF PATENTS AND PUBLICATIONS FOR	FILING DATE	GROUP ART UNIT
APPLICANT'S SUPPLEMENTAL INFORMATION	April 3, 2001	2121.
DISCLOSURE STATEMENT		
(use several sheets if necessary)	APPLICANT(S): Michael Wetze	r

## REFERENCE DESIGNATION

### **U.S. PATENT DOCUMENTS**

REPERENCE DESIGNATION			0.0. I ATE	TI DOCUMENTS	<del>.</del>	
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
nn	A1	5,778,381	7/1998	Sandifer	707/104	
nin	A2	6,067,486	5/2000	Aragones et al.	<b>'</b>	
	A3					
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	A13					

## **FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANS	LATION NO
	A14						
	A15						
	A16						
	A17						
	A18						

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EXAMINER	DATE CONSIDERED	Oct. 6,	2002

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LIST OF PATENTS AND PUBLICATIONS FOR	FILING DATE		GROUP ART UNIT
APPLICANT'S INFORMATION DISCLOSURE		April 3, 2001	2121
STATEMENT			
(use several sheets if necessary)	APPLICANT(S):	Michael Wetzer	•

REFERENCE DESIGNATION			U.S. PATE	NT DOCUMENTS		
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCĻASS	FILING DATE
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Rev. Dec.-99

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#### Applicant(s)/Patent Under Application/Control No Reexamination 09/825,633 WETZER, MICHAEL Notice of References Cited Examiner Art Unit Page 1 of 1 2125 Michael D Masinick U.S. PATENT DOCUMENTS Document Number Country Code-Number-Kind Code Date Classification Name MM-YYYY 705/8 04-1998 Α US-5,737,728 Sisley et al. 702/184 US-6,192,325 02-2001 Piety et al. 06-1993 Cornett et al. 700/96 С US-5,216,612 705/7 10-1999 D US-5,963,911 Walker et al. 703/2 08-2000 Klimasauskas, Casimir C. US-6,110,214 Ε 10-2000 700/108 US-6,128,543 Hitchner, Jim F 01-1998 702/181 US-5,710,723 Hoth et al. G 01-1997 Jones et al. 700/276 US-5,596,507 н US-5,311,562 05-1994 Palusamy et al. 376/215 1 US-USκ US-L US-М FOREIGN PATENT DOCUMENTS Date **Document Number** Name Classification Country MM-YYYY Country Code-Number-Kind Code N 0 Р Q R s T **NON-PATENT DOCUMENTS** Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) U

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office PTO-892 (Rev. 01-2001)

**Notice of References Cited** 

Part of Paper No. 8